

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 19, 2026**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 19, 2026, at 9:00 a.m., in Council Chambers, with the following present:**

<b>Douglas B. Hudson</b>	<b>President</b>
<b>John L. Rieley</b>	<b>Vice President</b>
<b>Jane Gruenebaum</b>	<b>Councilwoman</b>
<b>Matt Lloyd</b>	<b>Councilman</b>
<b>Steve C. McCarron</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

<b>Call to Order</b>	<b>The Invocation and Pledge of Allegiance were led by Mr. Hudson.</b> <b>Mr. Hudson called the meeting to order.</b>
<b>M 209 26 Approve Agenda</b>	<b>A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, to approve the Agenda, as presented.</b> <b>Motion Adopted: 5 Yeas</b> <b>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</b>
<b>Minutes</b>	<b>The minutes from May 12, 2026, were approved by consensus.</b>
<b>Correspondence</b>	<b>Mr. Moore reported that correspondence was received from Shoes that Fit thanking Council for their donation.</b>
<b>Public Comments</b>	<b>Ms. Alison White spoke about proposed developments that are in the pipeline process.</b> <b>Mr. Greg Kordel spoke about the proposed FY27 budget.</b> <b>Mr. Jim Marshall spoke about proposed developments in Sussex County.</b>
<b>M 210 26 Approve Consent Agenda</b>	<b>A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, to approve the following items under the Consent Agenda:</b> <b>Proclamation Request – Community Action Month</b> <b>Motion Adopted: 5 Yeas</b>

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea**

**Old  
Business/  
CU2554**

**Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 12.05 ACRES, MORE OR LESS” filed on behalf of E. Johnson Holdings, LLC.**

**At the meeting on May 6, 2026, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 13 recommended conditions of approval. There will now be a period of 5 days that the public can comment in writing only to P&Z considering the recommendation.**

**Old  
Business/  
CU2555**

**Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 45.78 ACRES, MORE OR LESS” filed on behalf of Bittersweet Investments, LLC.**

**At the meeting on May 6, 2026, the Planning & Zoning Commission recommended approval of the application for the 8 reasons and subject to the 9 recommended conditions as outlined. There will now be a period of 5 days that the public can comment in writing only to P&Z considering the recommendation.**

**Old  
Business/  
CU2602**

**Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A NON-PROFIT PUBLIC CHARITY PROVIDING RESPITE CARE FACILITY AND USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.64 ACRES, MORE OR LESS” (property is lying on the east side of Charleys Run, approximately, 0.22 mile south of Fred Hudson Road [S.C.R. 360]) (911 Address: 31613 Charleys Run, Bethany Beach) (Tax Parcel: 134-13.00-84.00) filed on behalf of Sunset Bridge Corporation.**

**M 211 26  
Adopt  
Ordinance  
No. 4057/  
CU2602**

**A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 4057 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A NON-PROFIT PUBLIC CHARITY PROVIDING RESPITE CARE FACILITY AND USE TO BE LOCATED**

**M 211 26  
Adopt  
Ordinance  
No. 4057/  
CU2602  
(continued)**

**ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.64 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:**

- 1. This application seeks approval to allow a non-profit charity to provide a respite care facility for individuals with their close family members.**
- 2. The Applicant has stated that this facility will not be a nursing home. Instead, it will provide a safe and honorable structured environment for individuals nearing the end of their life with their immediate family members. This will include counseling and guidance for the family group.**
- 3. There will be no more than three terminal individuals needing respite care with their immediate families at the facility at any one time.**
- 4. Representatives of the Applicant testified that this program will be structured, with programming and 24-hour on-site supervision at all times.**
- 5. This site is a large lot, and the new structure will be residential in character. It will comply with all residential height and setback requirements, and it will not appear materially different in design and size from a permitted residential home that could be placed on the property. As a result, this structured use will result in potentially less traffic and impact on the nearby community than if a large vacation home is constructed on the property for large family weekly rental use.**
- 6. This use fills an important need and service to Sussex County residents and their families. Although there are nursing homes and assisted living facilities throughout the county, there are few, if any, for terminal patients to spend quality time with family in a dignified, comfortable manner while receiving respite care and counseling about the circumstances.**
- 7. There is no compelling evidence in the record that the use will have a negative effect on area roadways or nearby properties. The use is limited and the concerns raised by neighboring property owners will also be mitigated by the conditions imposed upon this conditional use.**
- 8. The property will be served by central water and Sussex County Sewer.**
- 9. This use satisfies the purpose of a conditional use under our Sussex County Zoning Code. The services that will be provided here have a charitable public or semipublic character that is essential and desirable for the general convenience and welfare of Sussex County and its residents.**
- 10. This recommendation is subject to the following conditions:**
  - a. The property shall be operated as a non-profit residential care facility for respite care. There shall be no more than three respite care individuals along with their immediate family members**

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CU2602  
(continued)**

- staying in the home at any one time. In addition, there shall be no more than six (6) staff members on site at any one time.
- b. The property shall not be operated as a nursing home or assisted living facility for indefinite admission by infirm individuals.
  - c. The home shall be staffed by qualified supervisors at all times.
  - d. The home shall maintain its residential appearance at all times and there shall not be any signage on the property. In furtherance of this and as proffered by the Applicant: (a) the first floor footprint of the structure shall not exceed 3,000 square feet (excluding any exterior ramp, outdoor gazebo, garden areas, or walkways), (b) the structure shall not exceed two stories in height, not including its roof, and (c) there shall be no more than six bedrooms within the structure. These architectural requirements shall be included on the Final Site Plan.
  - e. The use of the home shall comply with all of the standard State agency requirements that may apply, including, but not limited to those mandated by DelDOT, DNREC, the Sussex Conservation District and the State Fire Marshal's Office.
  - f. To ensure that there is sufficient parking on the site for the use, no parking by residents, staff or visitors shall be permitted on the roadways of the adjacent Bethany Woods Subdivision or within the cul-de-sac at the end of Charleys Run. The on-site parking spaces shall be shown on the Final Site Plan and clearly marked on the site itself.
  - g. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
  - h. No dumpsters shall be utilized on the site. Instead, only residential-type trash receptacles shall be used. The Applicant is encouraged to use the same service as the surrounding properties to avoid additional trash pickups on area roadways.
  - i. The failure to comply with any of these conditions may be grounds for the termination of this Conditional Use. In addition, should this Conditional Use lapse or be terminated for any reason, the property shall automatically revert to use as a single-family residence.
  - j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

**Motion Adopted: 5 Yeas**

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea**

**Old  
Business/  
CU2533**

**Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR**

**SOLAR ARRAYS AND ASSOCIATED UTILITIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 69.03 ACRES, MORE OR LESS” (property is lying on the south side of Cypress Road [Route 54], approximately 62 feet west of the intersection of Cliff Road [S.C.R. 380A]) and Cypress Road [Route 54] (911 Address: N/A) (Tax Map Parcel: 533-8.00-10.00) filed on behalf of RWE Clean Energy.**

**M 212 26  
Approve  
CU2533/  
DENIED**

**A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A NON-PROFIT PUBLIC CHARITY PROVIDING RESPITE CARE FACILITY AND USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.64 ACRES, MORE OR LESS”.**

**Motion DENIED: 4 Nays, 1 Yea**

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Nay;  
Mr. Lloyd, Nay; Mr. Rieley, Nay;  
Mr. Hudson, Nay**

**Members voted nay based on the reasons provided by Mr. Hudson.**

**Rules**

**Mr. Moore read the rules of procedure for zoning hearings.**

**Public  
Hearing/  
Ord No.  
26-01**

**A Public Hearing was held on Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72, ARTICLE II, SECTION 72-24 AND CHAPTER 115, ARTICLE IV, V, VI, VII AND VIII SECTIONS 115-20, 115-29, 115-37, 115-45 AND 115-53 REGARDING AFFORDABLY PRICED RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT (SCR) PROGRAM”.**

**Vince Robertson, Assistant County Attorney, presented the Proposed Ordinance.**

**Mr. Robertson stated the Sussex County currently has the SCR (Sussex County Rental Program); that it is an affordable housing rental program available within Sussex County; that the Ordinance came directly out of Recommendation No. 10; that it was to reduce the affordable unit set aside from 25%, which was what Sussex County Code currently required, and reduce it to 15% of the units; that the next recommendation was to revise the AMI (Area Median Income) target from 50% to 80% AMI; that currently 80% was the cap for whether one would qualify for an SCR unit or not; that Ms. Brandy Nauman was present from the Sussex County Community Development and Housing Department; that the next recommendation was to reduce the open space requirement from 50% to**

**Public  
Hearing/  
Ord No.  
26-01  
(continued)**

**30%; that the next recommendation was to align rents with certain established rents; that they have changed the amount of the base rent.**

**Ms. Nauman presented an example of Coastal Tide, a current development in the Sussex County's SCRCP development program; that currently 85-90 households are on the waiting list; that applicants are pre-screened for a minimum income; that the average length of time tenants reside there is nearly three years, with seven of them having been there since 2021; that all the SCRCP units are occupied with no vacancies; that the predominant AMI range for households at the time of application is 40% to 70% AMI, which has remained consistent through the recertification process; that this shows the majority of the SCRCP participants fall within the 40% to 70% range.**

**Mr. Robertson shared that currently rent is based on 50% AMI, which equals to \$765 per month for a one bedroom rental; that because they are hearing that it does not pencil at 50% AMI and it is not enough rental income and revenue to make the projects worth it; that the Ordinance increased it to 60%, which gets it to \$915 per month in rent, which would be a fixed rental; that if one is at 40% AMI, one is still paying the 60% AMI rent; that the same thing goes with 50%, it is still 60%; that because we all know they have to do budgets, this will allow the developer to know what the rent will be, allowing Sussex County to know whether it pencils or not; that the goal is to make the projects happen, so Sussex County will have more affordable rental units; that there was a request in one of the letters to increase it to 80%; that there were two issues with that; that it was staff's thoughts that 80% gets close to market rate; that at \$1,220 per month, it prices it out of the affordability for the majority of current SCRCP participants, who are at 40, 50, and 60%; that if the rent is fixed at \$1,220, it would become a stretch for someone who could only afford \$915, \$765 or \$610 rent per month; that whereas, if it is kept at 60%, it gets the top end of the people that Sussex County is currently serving, and it is closer to the lower end of the 40% and 50%; that with regard to specific developments, the Ordinance will reduce the number of units, down from 25% to 15%; that it makes a terminology change to reflect Sussex County resources and resource buffers; that it reduces the setbacks from 100 feet to 50 feet; that there was some concern about the way in which setbacks were calculated and whether that was a one-size-fits-all setback that should not be there in the event that development is next to land that is within agricultural preservation, land that is commercial or land that could be higher density developed; that there is language that was pulled directly from what is in the current Code regarding Sussex County's residential planned communities that stated if the height exceeds 42 feet, and the site is adjacent to land that is or could become developed residentially, the building shall include a setback design above 42 feet, and/or an increased setback to ensure an appropriate relationship between the higher density SCRCP project and uses of flow intensity or height, existing or future, outside the proposed SCRCP project; that this was not pulled from thin air, as it**

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(continued)**

**already existed within the Sussex County Code for Residential Planned Communities (RPC), which provide design flexibility, but still protect how an RPC interacts with existing or future development next door; that another major change was decrease of open space from the current requirement of 50% to 30%.**

**A discussion was held about the program including monthly reporting that is completed and how applicants are determined to be eligible to participate in the program. It was then discussed about potentially adopting a tiered approach.**

**Public comments were heard.**

**Mr. James Baxter, IV spoke about the Proposed Ordinance.**

**Mr. Steve Alexander spoke about the Proposed Ordinance.**

**Ms. Justine Cuccia spoke about the Proposed Ordinance.**

**Ms. Judy Rose Siebert spoke about the Proposed Ordinance.**

**Mr. Rich Borrasso spoke about the Proposed Ordinance.**

**Mr. David Hutt spoke about the Proposed Ordinance.**

**Ms. Jill Hicks spoke about the Proposed Ordinance.**

**Ms. Katie Gills spoke about the Proposed Ordinance.**

**The Public Hearing was closed, and public record was left open until it is placed back on an agenda for discussion and for written comments only.**

**M 213 26  
Defer  
Action/  
Ord No.  
26-01**

**A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72, ARTICLE II, SECTION 72-24 AND CHAPTER 115, ARTICLE IV, V, VI, VII AND VIII SECTIONS 115-20, 115-29, 115-37, 115-45 AND 115-53 REGARDING AFFORDABLY PRICED RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT (SCRP) PROGRAM” and to keep the record open until it is placed back on an agenda for discussion and for written comment only.**

**Motion Adopted: 5 Yeas**

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea**

**Public**

**A Public Hearing was held on Proposed Ordinance entitled “AN**

**Hearing/  
Ord No. 26-  
02**

**ORDINANCE TO AMEND CHAPTER 115, ARTICLE IV, §115-25 “HEIGHT, AREA AND BULK REQUIREMENTS” AND ARTICLE XVI §115-120 “SUPERIMPOSED DISTRICT; EFFECT ON OTHER PROVISIONS” OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER SUBDIVISIONS AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS”.**

**Vince Robertson, Assistant County Attorney, presented the Proposed Ordinance.**

**Mr. Robertson stated that the Ordinance was regarding cluster subdivisions; that the Ordinance eliminated cluster subdivisions within the rural area when on central sewer; that this would result in no more 7,500 square foot cluster subdivisions being permitted within the rural area on central sewer; that the Ordinance would not affect cluster subdivisions of 20,000 square feet, when located on septic systems, or three quarter acre lots on septic systems; that the Ordinance had a couple different points of which the recommendations pulled from; that the second recommendation, which was to establish growth in conservation areas; that another recommendation, being one proposed by the Land Use Working Group, recommended strategic density adjustments, regarding what the base density should be; that it proposes to eliminate RPC’s (Residential Planned Communities) from the rural areas; that the reason for that, being if one cannot do a cluster subdivision of 7,500 square feet, it would be a total workaround, if one could construct an RPC in the rural area, allowing the same thing, or potentially more; that it states that one cannot do an RPC outside of the growth area.**

**A discussion was held about the potentially decrease in land value and rights of others.**

**Public comments were heard.**

**Mr. Mark Davidson spoke about the Proposed Ordinance.**

**Mr. Steve Breeding spoke about the Proposed Ordinance.**

**Mr. James Baxter, IV spoke about the Proposed Ordinance.**

**Mr. David Horsey spoke about the Proposed Ordinance.**

**Mr. Lee Bunting spoke about the Proposed Ordinance.**

**Mr. Bill Powers spoke about the Proposed Ordinance.**

**Ms. Jill Hicks spoke about the Proposed Ordinance.**

**Mr. Johannes Sayre spoke about the Proposed Ordinance.**

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(continued)**

**Mr. Mark Baker spoke about the Proposed Ordinance.**

**Mr. Kenny Bounds spoke about the Proposed Ordinance.**

**Mr. Joe Pika spoke about the Proposed Ordinance.**

**Mr. Ray Ellis spoke about the Proposed Ordinance.**

**Mr. Jordan Ashburn spoke about the Proposed Ordinance.**

**Mr. John Adkins spoke about the Proposed Ordinance.**

**Mr. David Hutt spoke about the Proposed Ordinance.**

**Mr. Keith Johnson spoke about the Proposed Ordinance.**

**Ms. Kay Carpenter Dukes spoke about the Proposed Ordinance.**

**Mr. R.C. Willin spoke about the Proposed Ordinance.**

**The Public Hearing was closed, and public record was left open until it is placed back on an agenda for discussion and for written comments only.**

**M 214 26  
Defer  
Action/  
Ordinance  
No. 26-02**

**A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE IV, §115-25 “HEIGHT, AREA AND BULK REQUIREMENTS” AND ARTICLE XVI §115-120 “SUPERIMPOSED DISTRICT; EFFECT ON OTHER PROVISIONS” OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER SUBDIVISIONS AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS” and to keep the record open until it is placed back on an agenda for discussion and for written comment only.**

**Motion Adopted: 5 Yeas**

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea**

**Mr. Moore noted that many people that spoke in regard to Ordinance No. 26-02 also referenced Ordinance No. 26-04. Mr. Robertson also commented that all of the testimony from Ordinance No. 26-02 can be incorporated into Ordinance No. 26-04 record.**

**M 215 26  
Amend  
Agenda**

**A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to flip Ordinance No. 26-03 and Ordinance No 26-04 on the agenda.**

**Motion Adopted: 5 Yeas**

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea**

**M 216 26** At 1:35 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron  
**Recess** to recess.

**Motion Adopted: 5 Yeas**

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea**

**M 217 26** At 2:01 p.m., a Motion was made by Mr. McCarron, seconded by Ms.  
**Reconvene** Gruenebaum to reconvene.

**Motion Adopted: 5 Yeas**

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea**

**Public  
Hearing/  
Ordinance  
No. 26-04**

**A Public Hearing was held on Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III & IV, SECTIONS 99-5 “DEFINITIONS”, 99-21, “PUBLIC SITES AND OPEN SPACES”, §99-23 “PRELIMINARY PLAT REQUIREMENTS” AND CHAPTER 115, ARTICLES I & V, §115-4 “DEFINITIONS AND WORD USAGE” AND §115-25 “HEIGHT, AREA AND BULK REQUIREMENTS” OF THE CODE OF SUSSEX COUNTY REGARDING OPEN SPACE”.**

**Vince Robertson, Assistant County Attorney, presented the Proposed Ordinance.**

**Mr. Robertson requested that the document submission and testimony from Ordinance No. 26-02 be incorporated into the record for this Ordinance.**

**Mr. Robertson stated that this Ordinance was regarding open space; that the Land Use Reform Working Group’s Recommendation No. 15, requested an increase of the minimum open space requirement from 35% to 50% for any development; that as proposed, the Ordinance increases the percentage of open space in the growth area to 30%, and 50% within the rural area; that it also adds criteria for how the open space is designed, how it is laid out etc., being another example where that is existing language in Chapter 115-25; that it is language that is currently in the Cluster Subdivision Code; that rather than have that as a standalone open space requirement for clusters and the open space**

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Ordinance  
No. 26-04  
(continued)**

requirements all located within one place which focused on open space; that it is not new language, but may be slightly modified; that it is the same as what currently exists within Code, it had just been moved to the Open Space Standards; that stormwater management facilities (aka stormwater management facility area) was allowed to be part of open space; that there is concern that dry ponds, being big square ponds, surrounded by dirt, should not necessarily be considered open space; that stormwater retention ponds, with suitably designed to emulate natural features by incorporating irregular shapes, gradual slopes, no greater than one to four, and appropriate landscape planning would be approved as open space.

**Public comments were heard.**

**Mr. Mark Davidson spoke about the Proposed Ordinance.**

**Mr. R.C. Willin spoke about the Proposed Ordinance.**

**Mr. Steve Sinclair spoke about the Proposed Ordinance.**

**Ms. Jill Hicks spoke about the Proposed Ordinance.**

**Ms. Susan Petze-Rosenblum spoke about the Proposed Ordinance.**

**The Public Hearing was closed, and the public record was left open until it is placed back on an agenda for discussion and for written comments only.**

**M 218 26  
Defer  
Action/  
Ordinance  
No. 26-04**

**A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III & IV, SECTIONS 99-5 “DEFINITIONS”, 99-21, “PUBLIC SITES AND OPEN SPACES”, §99-23 “PRELIMINARY PLAT REQUIREMENTS” AND CHAPTER 115, ARTICLES I & V, §115-4 “DEFINITIONS AND WORD USAGE” AND §115-25 “HEIGHT, AREA AND BULK REQUIREMENTS” OF THE CODE OF SUSSEX COUNTY REGARDING OPEN SPACE” and to keep the record open until it is placed back on an agenda for discussion and for written comment only.**

**Motion Adopted: 5 Years**

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea**

**Public  
Hearing/  
Ordinance  
No. 26-03**

**A Public Hearing was held on Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE II, SECTIONS 99-9, “PUBLIC HEARING ON PRELIMINARY PLAT APPROVAL OR DISAPPROVAL” AND CHAPTER 115, ARTICLE IV, §115-25 “HEIGHT,**

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Ordinance  
No. 26-03  
(continued)**

**AREA AND BULK REQUIREMENTS” OF THE CODE OF SUSSEX COUNTY REGARDING DESIGN CRITERIA FOR ALL SUBDIVISIONS”.**

Vince Robertson, Assistant County Attorney, presented the Proposed Ordinance.

Mr. Robertson stated that Chapter 99-9C had been in the Sussex County Code for at least 30 years; that the more directive language in it was taken out; that there had been some misunderstanding of what was in the Code currently versus the proposed changes; that this provide clarity relating to interconnectivity between residential developments; that it allows the Commission to waive connectivity; that it adjusts engineering issues that have occurred in the past; that the first one proposed subdivisions integrated into existing terrain and surrounding landscape; that this requirement had been untouched, and had been in the Code for decades; that the second one requires that all resources and resource buffers are protected in accordance with Chapter 99 and Chapter 115 herein; that was updated because it refers to resources and resource buffers, which Sussex County had taken a lot of time to improve and protect with previously made Code changes; that the next item required that the cultural landscape, including scenic views and cultural and historical features are identified and protected as appropriate on the preliminary plat; that this one was partially moved up from an existing one that was deleted, which stated that open space and scenic view are preserved; that they had deleted the part about open space because there were requirements for open space elsewhere in the Code already; that there was no need to restated it in Chapter 99-9C; that an existing one that was getting a lot of attention from submitted written comments, was regarding the requirement that the supply of potable water to future residents of the proposed subdivision as safe and adequate for their use; that again, this requirement had been within in the Code forever; that they could take it out; that it was the same situation for the means and methods of sewage disposal to be adequately addressed; that the requirement to be configured outside of all wetlands is part of the clustered standard subdivision requirements currently; that this went along with the other in the Ordinance, as well as the Open Space Ordinance; that the next recommendation was to add the recent modifications performed on Chapter 90, regarding erosion and sedimentation control measures and identifications; that this refers to the groundwater levels; that it is existing and unchanged; that the next would be that area property values would not be adversely affected, which had been within the Code since day one; that they had taken out one, and he really wanted people to understand why; that the requirement had stated that any active farmland and tree farming adjacent to the proposed subdivision would be adequately preserved through the design and construction of the proposed subdivision; that the reason that it was taken out was not because it was not important, but because it would be addressed in the future Forest Preservation

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Hearing/  
Ordinance  
No. 26-03  
(continued)**

**Ordinance; that it did not need to be duplicated if it was going to be located within another portion of the Code; that the next requirement addresses objectionable features, including but not limited to utility infrastructure, parking areas, loading zones, and outdoor storage areas, be screened from the view of neighboring properties and roadways; that this was a design requirement that had been added in; that currently within the Code, it states that the applicant must notified the local school district of where the proposed subdivision will be located; that there was a lot of comment in the information submitted, stating that the requirement does not go far enough; that Sussex County should get a reply from the school district, which should be part of the record and acted on; that the problem was that the school districts does not always respond; that if Sussex County required a school district response, but the school district does not respond, then everyone becomes stuck, and become held up; that the next requires that public buildings and community facilities not be adversely affected; that this was a standard requirement; that the next one was a result of the most recent update regarding whether a subdivision is in a Transportation Improvement District (TID) or the service level remains a certain level; that there had been concerns that had created issues with DeIDOT; that they wanted language in the Ordinance that would close the loophole; that the next one requires sidewalks on the side of each street; that it is a requirement in all cluster subdivisions currently; that the next one states that no lots should have access to state maintained roads; that the last two move them into all subdivisions including language relating to sensitive environmental features; that this all applies to showing the design on the plans.**

**Public comments were heard.**

**Mr. Mark Davidson spoke about the Proposed Ordinance.**

**Mr. Rich Barrasso spoke about the Proposed Ordinance.**

**Mr. Joe Pika spoke about the Proposed Ordinance.**

**Ms. Jill Hicks spoke about the Proposed Ordinance.**

**The Public Hearing was closed, and the public record was left open until it is placed back on an agenda for discussion and for written comments only.**

**M 219 26  
Defer  
Action/  
Ordinance  
No. 26-03**

**A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE II, SECTIONS 99-9, “PUBLIC HEARING ON PRELIMINARY PLAT APPROVAL OR DISAPPROVAL” AND CHAPTER 115, ARTICLE IV, §115-25 “HEIGHT, AREA AND BULK REQUIREMENTS” OF THE CODE OF SUSSEX COUNTY REGARDING DESIGN CRITERIA FOR ALL SUBDIVISIONS” and to keep the record open until it is placed back on an**

**agenda for discussion and for written comment only.**

**Motion Adopted: 5 Yeas**

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea**

**FY27  
Budget  
Presentation**

**Mr. Lawson and Mrs. Jennings presented the proposed \$300 million budget for Fiscal Year 2027.**

**Mr. Lawson reported that the recommended budget was drafted by the County Administrator, Finance Director/COO, Deputy Finance Director, Manager of Accounting and Financing Reporting Officer. This recommended budget was drafted after receiving submissions from County departments. The Fiscal Year 2027 budget is an increase of \$14.9 million. This increase is being driven largely by one-time capital expenditures in the capital fund. These expenditures include major upgrades and improvements at the Delaware Coastal Airport such as the runway extension and new taxiway, multiple major pump stations rebuilds and upgrades to our water tower. As any prudent government, increased costs have been held to inflationary increases. Guided by the Council's priorities, this budget focuses on addressing some of the long-term concerns that have been brought before the County. There are funds to assist in workforce housing opportunities through settlement assistance, provide support for businesses that want to expand and create jobs, engage the public in future land-use decisions through the comprehensive land-use process, to create a mechanism that funds capacity-related school infrastructure and support sustainability of the ambulance service by providing funding for additional ambulances and third-party billing services.**

**Mrs. Jennings reviewed last year's successes throughout the year from the past fiscal year's budget and some of the milestones that were accomplished.**

**Mrs. Jennings discussed the general fund revenue highlights and discussed what pays for County services. Mrs. Jennings then showed a trend chart outlining budgeted revenue distribution over 10 years. She then shared a chart outlining the building trends specifically analyzing construction indicators from 2021-2026. Mrs. Jennings expressed a concern due to the decline of building permits. A graph was shown outlining Realty Transfer Tax from 2007-2026.**

**Mrs. Jennings showed various one-year activity comparisons. The activity showed that building inspections were going down. The number of bills issued, and Register of Wills revenue have increased.**

**Mrs. Jennings stated that the use of reserves is being used to balance the**

**FY27  
Budget  
Presentation  
(continued)**

**budget. She then shared a breakdown of reserve usage for the FY2027 budget. The reason why the tax base is not growing as fast was then discussed.**

**Mrs. Jennings discussed proposed changes in fees.**

- **Building permit fee: revisions to calculation methods and rates.**
- **School surcharge on building permits: new \$5.00 per \$1,000 surcharge on building permits.**
- **Building plan replacement fee: new \$120 fee for replacing building plans requiring staff re-review.**
- **Public Hearing advertisement fee: new \$500 fee for advertising public hearings at applicant's request.**
- **P&Z plan re-review fee: new \$150 fee per additional review required due to applicant error.**
- **By-right application fee without floor area: new \$300 fee by-right applications without floor area (current fee assumes floor area)**
- **Record plan modification: new \$1,000 fee for making changes after initial recordation or revising conditions of approval.**
- **Street naming fee: addition of street name changes to the existing subdivision naming fee of \$50/hour fee.**

**Mrs. Jennings discussed the building permits and the percentage that will be added for schools. She outlined the history, next steps and objectives of the Proposed Ordinance. She then shared a graph of the cost recovery analysis and the proposed permit calculation.**

**Mrs. Jennings discussed the school surcharge ordinance and how it would apply to permits. She added that this was structured off of Kent County's Ordinance. Mrs. Jennings shared what would qualify for funding, the recommended rate and estimated collections per school district per year based on CY2025 permits.**

**Mrs. Jennings shared a comparison of general fund expenses showing most of the expenses are for personnel costs. The biggest changes was in supplies with half of that dealing with paramedic supplies. The next largest increase is grant-in aid (this includes additional money for ambulance services and an increase in the MOU with DSP) and personnel (related to cost-of-living adjustment, health insurance costs and merits).**

**Mrs. Jennings reported that there are no changes in position count totals. Mrs. Jennings discussed and shared charts showing the staffing trends over the years.**

**Grant-in-Aid, Public Safety, Economic Development Grants, Libraries and Open Space/Recreation funding were discussed further. The general fund project revenues, project expenditures, sewer and water were shared and discussed further.**

The budget book and presentation can be found on the County's website at [www.sussexcountyde.gov](http://www.sussexcountyde.gov). Budget comments can be sent to [budget@sussexcountyde.gov](mailto:budget@sussexcountyde.gov).

**Ordinance  
Introduct-  
ions**

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2027".

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS".

Mr. McCarron introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 62, ARTICLE III, § 62-7, ENTITLED, "FEES FOR PERMITS AND APPLICATIONS," TO ADD A NEW § 62-7J., WHICH SHALL ESTABLISH A SCHOOL SURCHARGE ON BUILDING PERMIT APPLICATIONS TO GENERATE REVENUE FOR CAPITAL IMPROVEMENTS FOR LOCAL SCHOOL DISTRICTS AND SUSSEX TECHNICAL HIGH SCHOOL".

**Adminis-  
trator's  
Report**

Mr. Lawson read the following information in his Administrator's Report:

1. Holiday and Council Meeting Schedule

A reminder that County offices will be closed on Monday, May 25<sup>th</sup>, to observe the Memorial Day holiday. In addition, Council will not meet on Tuesday, May 26<sup>th</sup>. The next regularly scheduled Council meeting will be held Tuesday, June 2<sup>nd</sup>.

[Attachments to the Administrator's Report are not attached to the minutes.]

**Introduction  
of Proposed  
Ordinances**

Mr. McCarron introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 39.76 ACRES, MORE OR LESS" filed on behalf of TPE DE SU94B, LLC.

Mr. McCarron introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX

**Introduction  
of Proposed  
Ordinances  
(continued)**

**COUNTY, CONTAINING 19.74 ACRES, MORE OR LESS” filed on behalf of TPE DE SU646, LLC.**

**Mr. McCarron introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 185.96 ACRES, MORE OR LESS” filed on behalf of TPE DE SU95A, LLC & TPE DE SU95B, LLC.**

**Mr. McCarron introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 31.3 ACRES, MORE OR LESS” filed on behalf of TPE DE SU519, LLC.**

**Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 67.23 ACRES, MORE OR LESS” filed on behalf of TPE DE SU245, LLC.**

**Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 498.53 ACRES, MORE OR LESS” filed on behalf of TPE DE SU3000A, LLC, TPE DE SU300B, LLC, TPE DE SU300C, LLC.**

**The Proposed Ordinances will be advertised for a Public Hearing.**

**CM  
Comments**

**Mr. McCarron commented that there were some unique perspectives heard today and he hopes the story is written the way it was told today.**

**M 220 26  
Adjourn**

**A Motion was made by Mr. Rieley, seconded by Mr. McCarron to adjourn at 5:04 p.m.**

**Motion Adopted: 5 Yeas**

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea**

**Respectfully submitted,**

**Tracy N. Torbert  
Clerk of the Council**

*{An audio recording of this meeting is available on the County's website.}*